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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**  
13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE  
16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,  
18 LLC,<sup>1</sup>

19 USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

20 USA CAPITAL FIRST TRUST DEED  
FUND, LLC,<sup>2</sup>

21 USA SECURITIES, LLC,<sup>3</sup> Debtors.

22 Affects:

- 23  All Debtors  
24  USA Commercial Mortgage Company  
25  USA Capital Realty Advisors, LLC  
26  USA Capital Diversified Trust Deed Fund, LLC  
27  USA Capital First Trust Deed Fund, LLC  
28  USA Securities, LLC

29 Case No. BK-S-06-10725-LBR<sup>1</sup>  
30 Case No. BK-S-06-10726-LBR<sup>1</sup>  
31 Case No. BK-S-06-10727-LBR<sup>2</sup>  
32 Case No. BK-S-06-10728-LBR<sup>2</sup>  
33 Case No. BK-S-06-10729-LBR<sup>3</sup>

34 **CHAPTER 11**

35 Jointly Administered Under Case No.  
36 BK-S-06-10725 LBR

37 **AMENDED NOTICE OF HEARING  
38 REGARDING AMENDED FIRST  
39 OMNIBUS OBJECTION OF USACM  
40 TRUST TO PROOFS OF CLAIM  
41 BASED UPON INVESTMENT IN  
42 THE ARAPAHOE LAND  
43 INVESTMENTS, LP LOAN  
44 (AMENDED TO CORRECT  
45 EXHIBIT AND HEARING DATE)**

46 Date of Hearing: October 19, 2009  
47 Time of Hearing: 3:00 p.m.

48 New Hearing Date: November 13, 2009  
49 Time of Hearing: 9:30 a.m.

50 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
51 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**

52 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

53 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

54 <sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1           **CLAIM TO THE EXTENT IT IS BASED UPON INVESTMENT IN THE**  
2           **ARAPAHOE LAND INVESTMENTS, LP LOAN. THIS OBJECTION WILL NOT**  
3           **IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN**  
4           **INVESTMENT IN A DIFFERENT LOAN.**

5           **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
6           **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**  
7           **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
8           **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**  
9           **GROUP, LLC (602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

10          **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its  
11 Amended First Omnibus Objection to Proofs of Claim Based Upon Investment in the  
12 Arapahoe Land Investments, LP Loan (the “Objection”). Your Proof of Claim number  
13 and other information regarding your claim is provided in **Exhibit A**, attached. The  
14 USACM Liquidating Trust has requested that this Court enter an order, pursuant to  
15 Bankruptcy Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to  
16 the extent it is based upon investment in the Arapahoe Land Investments, LP Loan . The  
17 Objection will not impact your Claim to the extent it is based upon an investment in a  
18 different loan.

19          **NOTICE IS FURTHER GIVEN** that the hearing on the Objection originally  
20 scheduled for October 19, 2009 at 3:00 p.m. will be held before the Honorable Linda B.  
21 Riegle, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas  
22 Boulevard South, Courtroom 1, Las Vegas, Nevada, on **November 13, 2009, at the hour**  
**of 9:30 a.m.**

24          **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**  
25          **NOVEMBER 13, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS**

1           **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
2           **ARGUMENTS WILL BE HEARD ON THAT DATE.**

3           **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
4 by **November 6, 2009**, pursuant to Local Rule 3007(b), which states:

5           If an objection to a claim is opposed, a written response must be filed and  
6 served on the objecting party at least 5 business days before the scheduled  
7 hearing. A response is deemed sufficient if it states that written  
documentation in support of the proof of claim has already been provided to  
the objecting party and that the documentation will be provided at any  
evidentiary hearing or trial on the matter.

9           If you object to the relief requested, you *must* file a **WRITTEN** response to this  
10 pleading with the Court. You *must* also serve your written response on the person who  
11 sent you this notice.

12           If you do not file a written response with the Court, or if you do not serve your  
13 written response on the person who sent you this notice, then:

- 14           • The Court may *refuse to allow you to speak* at the scheduled hearing; and  
15           • The Court may *rule against you* and sustain the objection without formally  
16           calling the matter at the hearing.

17           Dated: September 24, 2009.

18           LEWIS AND ROCA LLP

19           By /s/ Marvin Ruth (#10979)  
20           Rob Charles, NV 6593  
21           John C. Hinderaker, AZ 18024 (*pro hac vice*)  
22           Marvin Ruth, NV 10979  
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26           Facsimile: (702) 949-8398  
             E-mail: mruth@lrlaw.com  
             *Attorneys for the USACM Liquidating Trust*

1 Copy of the foregoing and pertinent  
2 portion of Exhibit A mailed by first  
class postage prepaid U.S. Mail on  
September 24, 2009 to:

3 Parties listed on Exhibit A attached.

4 **LEWIS AND ROCA LLP**

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6 /s/ Leilani Lista  
Leilani Lista

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